

### **REMARKS**

Claim 13 is amended hereby. Claims 63, 64 and 68 are canceled. Accordingly, after entry of this Amendment, claims 13-18, 65, 67, 69-78, 80-88, and 90-91 will remain pending.

#### **Allowable Subject Matter**

Applicants acknowledge, with appreciation, the Examiner's allowance of claim 68.

#### **Prior Art Rejection**

The Final Action rejected claims 13-18, 63-65, 67, 69-78, 80-88, 90, and 91 under 35 U.S.C. § 103(a) as being unpatentable over Orkin et al. (U.S. Patent No. 5,207,642) and further in view of Stewart et al. (U.S. Patent No. 5,163,909). This rejection is now moot with respect to claims 13 and is traversed with respect to claims 72 and 82.

As set forth above, Applicants have amended claim 13 to include the allowable subject matter of claim 68. Consequently, Applicants submit that claim 13 and the claims dependent thereon are in condition for allowance.

With regard to claim 82, Applicants submit that it should be allowable for basically the same reason the Examiner has allowed claim 68. Claim 82 specifies "a static mixer configured to mix the fluids from the first and second fluid sources to create a mixed fluid . . ." Applicants submit that this language is not sufficiently distinct from the allowable "helical vane mixer" language in claim 68 to negate patentability, especially when considered in view of the current application's disclosure that "fluids meet . . . and flow through a static mixer 20 that contains helical vanes." (Paragraph 0019 of Patent Application Publication No. 2002/0026148).

Further, with respect to both claims 72 and 82, Applicants submit that the Orkin and Stewart patents are not properly combinable to arrive at Applicants' claimed invention. The Final Action states on page 3 thereof that "Stewart discloses . . . a need and background of delivering multiple fluid treatments to multiple patients." Applicants submit that this is a misreading of Stewart's teaching and disclosures. The Stewart patent does disclose multiple **portable** fluid delivery systems, **but each of them is wearable by an individual patient.** The

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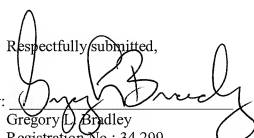
Stewart patent does not disclose or suggest that a single fluid delivery system is connected to a succession of patients to deliver fluid from that single fluid delivery system to those multiple patients, as disclosed and claimed in the present application. For at least those reasons, Applicants submit that the Stewart patent does not overcome the deficiencies of the Orkin patent. Further, even if properly combinable, Applicants submit that the combination of the Orkin and Stewart patents does not provide the claimed method steps of connecting first and second per-patient disposable fluid paths to first and second patients and delivering a fluid mixture thereto from the same fluid sources, as set forth in the above claims.

Based on the above, Applicants submit that the combination of the Orkin and Stewart patents does not render obvious the inventions of claims 13-18, 63-65, 67, 69-78, 80-88, 90, and 91, and that the rejection based thereon should be withdrawn.

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Respectfully submitted,

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